

Bill No. 25-03
Concerning: Buildings -- Residential Fire
Sprinkler Systems
Revised: 10/7/03 Draft No. 6
Introduced: July 22, 2003
Enacted: October 7, 2003
Executive: October 15, 2003
Effective: January 14, 2004
Sunset Date: None
Ch. 23, Laws of Mont. Co. 2003

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Andrews, Council President Subin, and Councilmembers Knapp and Perez.

AN ACT to:

- (1) require new single-family detached houses to incorporate an approved fire sprinkler system;
- (2) require property tax notices to include information about the County tax credit available for installing a fire sprinkler system in existing residential buildings; and
- (3) make conforming changes and generally amend County law regarding fire safety, prevention, and suppression and tax credits to promote fire safety.

By amending

Montgomery County Code
Chapter 8, Buildings
Sections 8-4 and 8-29A
Chapter 52, Taxation
Section 52-18K

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Sections 8-4, 8-29A, and 52-18K are amended as follows:

8-4. Installation of service equipment.

When the installation, extension, alteration, or repair of an elevator, moving stairway, mechanical equipment, refrigeration, air conditioning or ventilating apparatus, plumbing, gas piping, electric wiring, heating system, fire sprinkler system, or any other equipment is [specifically controlled by the provisions] subject to a requirement of this [chapter] Chapter, it shall be unlawful to use [such] the equipment until the Director issues a certificate [of approval has been issued therefor by the director] approving the work.

8-29A. Residential fire sprinklers.

(a) In this [section] Section, [:]

[(1) *Townhouse* means a dwelling unit that:

- a. Adjoins another dwelling unit but is divided from that other dwelling unit by a party wall or fire separation wall; and
- b. Has a separate entrance that leads directly to the outdoors.]

[(2) *Fire*

fire sprinkler system means equipment that includes [one (1)] 1 or more devices that:

[a. Open

(1) open automatically by operation of a heat-responsive releasing mechanism;

[b. Discharge

(2) discharge water in a specific pattern over a designated area to extinguish or control fire;

[c. Use

(3) use the same service water supply pipe to the building that the domestic water system uses;

[d. Meet]

(4) meet the requirements of current National Fire Protection Association standards as modified by the [[director of fire and rescue services]] Director of Fire and Rescue Services; and

[e. Are]

(5) are approved by the [director of fire and rescue services] Director of Fire and Rescue Services.

[(3) Group home includes any group residential care facility, protective care home, board and care facility, halfway house, social rehabilitation facility, alcohol or drug residential treatment center, or convalescent facility.]

(b) [A] The County must not issue a building permit [must not be issued] for the construction or reconstruction of any [multiunit] residential building[, townhouse, or group home,] unless the plans include the installation in each dwelling unit and any attached accessory structure of a fire sprinkler system. [Under method (2), the County Executive must adopt regulations to implement this subsection, including inspection and maintenance requirements.]

(c) The County Executive must issue regulations [implementing subsection (b)] to implement this Section. The regulations may authorize the Director to approve the use of specific construction alternatives that [will achieve] provide equivalent or greater protection of the public in residential buildings in which fire sprinkler systems will be installed.

[(d) Before a contract for construction or sale is signed, the builder of each detached single- family dwelling unit must offer to install, at the buyer's

option, a fire sprinkler system that complies with this Section. The builder must list the fire sprinkler system as an option on sales brochures, and the builder or an agent must provide each buyer point-of-sale information that clearly and fairly explains the benefits and costs of the sprinkler system.]

- [(e) (1) The builder of each subdivision that contains more than 4 detached single-family dwelling units must install in the primary sales model a fire sprinkler system that complies with this Section before any model home is shown to a prospective buyer.
- (2) If the primary sales model is sold or otherwise cannot be shown to prospective buyers, the builder must install a fire sprinkler system that complies with this Section in another model home in the subdivision.
- (3) Before a building permit is issued, the Director of Fire and Rescue Services must approve plans and specifications for installation of a fire sprinkler system that complies with this Section in each model of dwelling unit that will be built in the subdivision.]
- (d) After inspection and final approval of a fire sprinkler system required under this Section, the inspector must provide to the initial occupant of the dwelling unit written information approved by the Fire Administrator about the proper care and maintenance of a residential fire sprinkler system. If the dwelling unit has never been occupied, the builder or other current owner must not accept payment or rent for the unit until the inspector has transmitted this fire sprinkler information to the initial occupant. The Fire Administrator must make the information widely

available to residents who purchase or lease a previously
occupied unit with an installed fire sprinkler system, and other
County residents.

52-18K. Property tax credit - fire sprinkler systems.

- (a) A taxpayer may receive a one-time property tax credit against the general county tax for any [detached single-family dwelling unit, and any attached dwelling unit or multi-family] residential building in which a fire sprinkler system was not legally required to be installed, if an approved [complete automatic] fire sprinkler system [that is used for fire protection] is installed on or after July 1, 2000.
- (b) For each [dwelling unit or multi-family] residential building where a sprinkler system is installed, the credit must not exceed the lower of:
 - (1) the total cost of installing the sprinkler system; or
 - (2) 50[%] percent of the general county property tax attributable to the [dwelling unit or] residential building.
- (c) The Department of Finance must administer this credit and include with each residential property tax bill a notice of the availability of the credit and where to obtain more information.
- (d) A taxpayer must apply for the tax credit in the year the sprinkler system is installed to receive the credit in that tax year or the next tax year. The taxpayer must:
 - (1) show that the installed sprinkler system complies with codes and standards established by the State Fire Prevention Commission and any applicable County building and fire safety codes, and
 - (2) document the cost to the taxpayer of the sprinkler system.
- (e) The County Executive may adopt regulations under method (2) to implement this Section.

108 (f) The Executive must report annually to the County Council on the use of
 109 this tax credit.

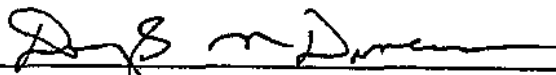
110 **Sec. 2. Transition.**

111 The amendments to Section 8-29A of the Code made by this Act apply to
 112 residential building permits issued on or after January 1, 2004.

113 *Approved:*

114  10/9/03
 Michael L. Subin, President, County Council Date

115 *Approved:*

116  10/15/03
 Douglas M. Duncan, County Executive Date

117 *This is a correct copy of Council action.*

118  10/21/03
 Mary A. Edgar, CMC, Clerk of the Council Date